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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,427	10/20/2003	Terence Chen	CFP-1923-1 (15722/487)	2796
23595	7590	04/26/2005		
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			EXAMINER SHAKERI, HADI	
			ART UNIT 3723	PAPER NUMBER

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,427	CHEN, TERENCE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hadi Shakeri	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 5-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>102003</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Figs. 1-5, claims 1-4, in the reply filed on 02/04/05 is acknowledged. The traversal is on the ground(s) that the Examiner has not indicated that the field of search is different and that any other effort would be required for searching or examination or the like. This is not found persuasive because apparently applicant agrees that these species are not patentably distinct, meaning a reference applicable to one species may not be prior art to the others. This would increase the burden and require further search, consideration and examination. The search may overlap within the same subclasses, but would be for other features increasing the burden.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 5-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species B, C and D (Figs., 6; 7-10 and 11-14, respectively) there being no allowable generic or linking claim.

### ***Requirement for Information***

3. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

4. In response to this requirement, please provide a copy of each of the following items of art referred to in pages 1 and 2 of the specification, i.e., Taiwanese Patent Publications No. 366849 and 423355. Applicant is not required to provide English translation, since drawings would be sufficient for the examination; and that Examiner would be able to provide translation, should it be needed through the Office.

**Claim Rejections - 35 USC § 112**

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 4 recites the limitation "the cylindrical portion" in line 2 and "the positioning device" in line 3. There are insufficient antecedent bases for these limitations in the claim.

**Claim Rejections - 35 USC § 103**

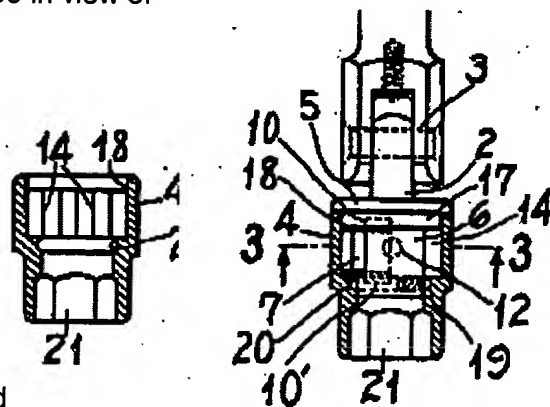
8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2 and 4 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima, US Patent No. 3,191,466 in view of Yang, US Patent No. 4,612,830.

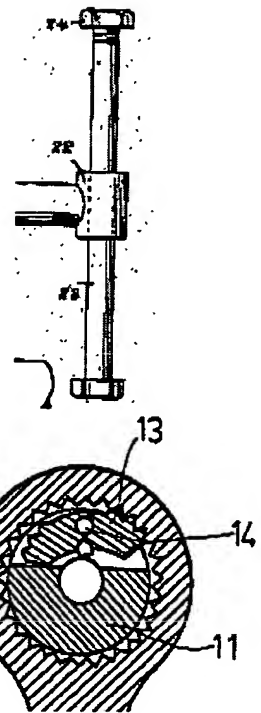
Kawashima meets all the limitations of claims 1, 2 and 4, i.e., a head defined by handle 1 connected to element 2, having a horizontal tunnel (15), a handle (16) extending movably through the tunnel; a socket (4) rotationally connected with the head

including internal face having teeth (14) and non-circular portion (21), a positioning device, i.e., spring (11) biased detent (12) attached to the head for selectively positioning the pawl, except



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for disclosing a switch connected to a pawl having a toothed front section and a concave and a tip rear section so that the tip is engaged with the body while the teeth is engaged with the socket to rotationally lock the socket to the body and stops for the handle. Regarding the stops it is known to provide a T-type handle with stops as evident by Bamberg. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Kawashima with the stops as taught by Bamberg to prevent the handle from detaching.



Yang teaches in col. 1, Figs. 1 and 2 that it is known to have ratchet wrench with pawls having a toothed front section and a concave and a tip rear section. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified tool of Kawashima and Bamberg by providing a pawl arrangement as disclosed by Yang, in Figs. 1 and 2 to enhance changing the driving direction and the transfer of torque between the parts.

Regarding claim 4, Kawashima as modified by Bamberg and Yang meets the limitations.

### ***Allowable Subject Matter***

10. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: tongue extending in the slot in addition to the other limitations places this claim in condition for allowance.

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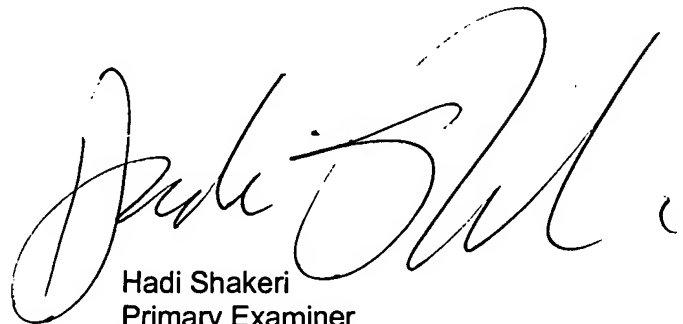
**Conclusion**

12. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Hsieh; Huang; Phan; Kress and Ohl are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', is written over the printed name and title.

Hadi Shakeri  
Primary Examiner  
Art Unit 3723  
April 21, 2005